

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6668

BILL NUMBER: HB 1555

NOTE PREPARED: Dec 26, 2012

BILL AMENDED:

SUBJECT: Abandoned Property.

FIRST AUTHOR: Rep. Moed

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that a person who enters or refuses to leave vacant or abandoned property after having been barred from the property by a court order or a law enforcement officer commits criminal trespass.

Effective Date: July 1, 2013.

Explanation of State Expenditures: Criminal trespass is a Class A misdemeanor unless it is committed on a scientific research facility, on a key facility, on a facility belonging to a public utility, on school property, or on a school bus or the person has a prior unrelated conviction for an offense concerning the same property, in which case the person commits a Class D felony.

The Department of Correction (DOC) would be affected in those cases that were elevated to a Class D felony. There are no data to estimate the number of new felonies which might result from expanding the definition of criminal trespass. A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. Assuming offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$3,234 annually, or \$8.86 daily, per prisoner. However, any additional expenditures are likely to be small. The average length of stay in DOC facilities for all Class D felony offenders is approximately ten months. During CY 2011, 31 people were convicted of criminal trespass as a Class D felony.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the

Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000 and \$10,000 for a Class D felony. Criminal fines are deposited in the Common School Fund. It is unknown how many additional cases might occur.

If the case is filed in a circuit or superior court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the automated record keeping fee (\$5), judicial salaries fee (\$20), public defense administration fee (\$5), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$2) are deposited into the state General Fund.

Explanation of Local Expenditures: A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Persons found guilty of a felony or misdemeanor are also required to pay the document storage fee (\$2), which is deposited into the clerk record perpetuation fund, and the jury fee (\$2) and the law enforcement continuing education fee (\$4), which are both deposited in the county user fee fund.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

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